



2003 Environmental Law Conference at Yosemite®

Sponsored by the Environmental Law Section of the State Bar of California
www.calbar.org/enviro

October 16-19

Tenaya Lodge
at Yosemite Fish Camp, California
(Gateway to Yosemite)
www.tenayalodge.com

Earn up to
12.5 Hours
MCLE Credit!

The State Bar of California and the Environmental Law Section Are State Bar of California Approved MCLE Providers



Program Planning Committee:

Gerald F. George

Campbell George & Strong LLP (Oakland)

Erica K. Martin

Office of Regional Counsel, Region IX, U.S. EPA (Pasadena)

James L. Pierce

Law Offices of James L. Pierce (Mount Shasta)

James R. Wheaton

Environmental Law Foundation (Oakland)

Don't Miss These Important Action Dates:

September 15, 2003

September 19, 2003

October 10, 2003

October 10, 2003

Tenaya Lodge Reservation Deadline

Scholarship Application Deadline

Pre-Registration Deadline

Cancellation/Refund Deadline

2003 ENVIRONMENTAL LAW CONFERENCE AT YOSEMITE

Sponsored by the Environmental Law Section of the State Bar of California

www.calbar.org/enviro

The Environmental Law Conference at Yosemite is nationally recognized as one of the largest and most prestigious gatherings for the leaders in environmental, land use and natural resources law. Join us and some of the nation's top environmental officials, lawyers and other professionals, and their families, in the spectacular fall setting of Yosemite.

Note: Topics, speakers and schedule are subject to change.

Sponsors/Exhibitors:

The Environmental Law Section of the State Bar of California would like to thank the following for their financial support of the 2003 Environmental Law Conference at Yosemite:

Barg Coffin Lewis & Trapp, LLP
Chambers Group, Inc.
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Scholarships:

The Environmental Law Section of the State Bar of California is pleased to offer two Michael H. Remy Scholarships, which are full scholarships and include tuition, travel, room & board. In addition, the section will offer up to twenty-four tuition scholarships this year. For additional information, please see the scholarship information page in this brochure.



SCHEDULE OF EVENTS & SPEAKERS

Thursday, October 16, 2003

3:00 - 8:00 p.m.

Registration

5:00 - 7:00 p.m.

Environmental Law Section Executive Committee Meeting

6:00 - 8:00 p.m.

Welcome Reception - For All Attendees and Their Guests

Friday, October 17, 2003

7:30 - 8:00 a.m.

MCLE Sign-In & Continental Breakfast

Hosted by: Haley & Aldrich, Inc.

8:00 - 9:00 a.m.

Welcome & Introduction

Richard M. Frank, Outgoing Chair, Environmental Law Section Executive Committee, Chief Assistant Attorney General, California Department of Justice (Sacramento)

Jane B. Kroesche, Incoming Chair, Environmental Law Section Executive Committee, Skadden, Arps, Slate, Meagher & Flom, LLP (San Francisco)

PLENARY SESSION (1.0 hour MCLE credit)

Wayne Nastri, Regional Administrator, Region IX, U.S. EPA (San Francisco)

9:00 - 9:15 a.m.

Break & MCLE Sign-In

9:15-10:45 a.m.

First Split Sessions

Session #1 (1.5 hours MCLE credit)

Unfair Competition Claims in Environmental Law Suits

While most of the case law and controversy under the Unfair Competition Law, Business & Professions Code Section 17200, have come from consumer litigation the fall-out will affect environmental cases as well. Practitioners with knowledge of both the history and trends under 17200, as well as its use in environmental cases, will examine recent decisions on standing, procedure and remedies under 17200, the current controversies and the legislative response, and how this all may affect environmental litigation.

Moderator: James Wheaton, Environmental Law Foundation (Oakland)

Speakers: Thomas Papageorge, Office of the Los Angeles District Attorney (Los Angeles)
Michael Steel, Pillsbury Winthrop, LLP (San Francisco)
April Strauss, Bushnell, Caplan & Fielding (San Francisco)

Session #2 (1.5 hours MCLE credit)

Innovative Strategies in a Maturing Industry:

Contaminated Site Cleanup, Transfer and Redevelopment

The panel will cover three topics:

(1) The Impact of recent and pending legislation: SB 493 and the new CERCLA defenses under BRERA. (2) The Local Government Angle: Using Polanco as both a Sword and Shield, SB 32, and preemption under Lodi. (3) Developments in Coordinating Cleanup with Redevelopment: Leaving Waste Behind (a.k.a. Risk-Based Cleanup Standards).

Moderator: Gregory D. Trimarche, Greenberg Taurig, LLP (Santa Monica)

Speakers: Stuart Block, Cox, Castle & Nicholson, LLP (San Francisco)

Jennifer L. Hernandez, Beveridge & Diamond, PC (San Francisco)

Richard Oppen, Oppen & Varco (San Diego)

Session #3 (1.5 hour MCLE credit)

Environmentalists vs. the Bush Administration in National Forest Policy: Who is Missing the Forest for the Trees?

Recent actions in the Forest Service may dramatically change the way that national forests are managed, both in California and throughout the nation, constraining administrative appeals of Forest Service projects, and categorically excluding many "fuels reduction" projects (even the forest planning process itself) from the reach of NEPA. Here in California, the administration has raised controversy with proposed changes to the Sierra Nevada Framework, which governs land resource management planning in all the national forests in the state, and its proposed management plan for the recently-designated Giant Sequoia National Monument. This panel will explore the complex issues involved in national forest planning, and whether current federal policy will help or hinder efforts to ensure sustainable ecosystems on national forest lands and to support local communities.

Moderator: Sean Hecht, U.C.L.A. School of Law (Los Angeles)

Speakers: Nathaniel Lawrence, Senior Attorney, Natural Resources Defense Council (Olympia, Washington)

Jack Gipsman, Deputy Regional Attorney, Pacific Region, U.S. Department of Agriculture, Office of General Counsel (San Francisco)

Mark Rentz, Vice President, Environmental and Legal Affairs, California Forestry Association (Sacramento)

9:15a.m. - 12:30 p.m.

Session #4 (3 hours MCLE credit)

Roundtable Topic: Old McDonald Has a Farm and He Now Needs Clean Air, Too

Title V and California's clean air laws come down to the farm. Clean air regulation has joined clean water regulation in ushering a new era of environmental regulation of California's agricultural business.

Moderators: Michelle Dias, Associate Counsel, California Farm Bureau (Sacramento)

Sherri M. Kirk, Principal, The Kirk Law Firm (Sacramento)

SCHEDULE OF EVENTS & SPEAKERS

10:45 - 11:00 a.m.

Break & MCLE Sign-In

11:00 - 12:30 p.m.

Second Split Sessions

Session #5 (1.5 hours MCLE credit)

Key Environmental Law Developments in the U.S. Supreme Court and Ninth Circuit Court of Appeals

Back again this year by popular demand, this program highlights recent environmental law developments and likely future trends in the U.S. Supreme Court and U.S. Court of Appeals for the Ninth Circuit. The panel consists of nationally-recognized constitutional and environmental law scholars. Covered topics will include the three major Clean Air Act and Clean Water Act cases on the Supreme Court's 2003-2004 docket: Alaska v. USEPA; Engine Manufacturers Association v. South Coast Air Quality Management District; and South Florida Water Management District v. Miccosukee Tribe.

Moderator: Richard M. Frank, Chief Assistant Attorney General, California Department of Justice (Sacramento)

Speakers: Vikram Amar, Professor, Hastings College of the Law (San Francisco)
Ann Carlson, Professor, University of California, School of Law (Los Angeles)
John Leshy, Professor, Hastings College of the Law (San Francisco)

Session #6 (1.5 hours MCLE credit)

Not Just Another Walk on the Beach: Recent Developments in Coastal Jurisprudence

Under the California Coastal Act of 1976, the California Coastal Commission is required to balance coastal development with protection and, where feasible, enhancement of the overall quality of the coastal zone environment, coupled with guarantees of the public's right to access and enjoyment of those resources. After years of collisions between development and environmental interests before the Coastal Commission and in the courts, we have the California Supreme Court granting review of a Court of Appeals holding that the Coastal Commission's structure violates the California constitution, the state legislature ordering the Commission to draft the local coastal program for Malibu, and new challenges to the Commission's attempts to guarantee beach access.

Moderator: Daniel A. Olivas, Deputy Attorney General, California Department of Justice (Los Angeles)

Speakers: Ralph Faust, General Counsel, California Coastal Commission (San Francisco)
Mark Massara, Sierra Club (San Francisco)
Anne Mudge, Stoel Rives (San Francisco)

Session #7 (1.5 hours MCLE credit)

Improving the Bottom Line: Can Changing Environmental Disclosure Requirements in Corporate Securities Filings Benefit Investors and Corporate Performance Alike?

Looking back over two decades of enforcement actions and securities guidelines, the panelists will explore whether disclosure of environmental matters in securities filings is

adequate under current standards, and discuss the potential benefits and pitfalls for regulated companies, investors and securities law enforcers of new proposals to change environmental disclosure requirements.

Moderator: Tim Little, Executive Director, Rose Foundation (Oakland)

Speakers: Joan Bavaria, President, Trillium Asset Management (San Francisco/Boston)

Jane B. Kroesche, Skadden, Arps, Slate, Meagher & Flom (San Francisco)

Patrick D. Robbins, Chief, Securities Fraud Section, U.S. Attorney's Office, Northern District of California (San Francisco)

1:00 - 5:00 p.m.

HIKES: LED BY ENVIRONMENTAL LAW SECTION MEMBERS

(See Registration Desk for Sign-up)

Conference attendees and their guests may choose from a variety of hikes ranging from short, easy ones to strenuous hikes that may continue into the evening; there will be some hikes suitable for children. We also anticipate offering a very special hike/workshop led by a professional nature photographer to celebrate the 101st birthday of Ansel Adams; this hike may have a cost. All hikes have limited spaces and a wait-list. Visit the Conference Registration Desk for hike descriptions, sign-up sheets, and other details about individual hikes. For some of the hikes, bus transportation will be provided between Tenaya Lodge and the trail heads.

NOTE: All participants on hikes will be asked to sign a liability release form.

6:30 - 9:00 p.m.

FAMILY BARBECUE (Ticketed Event)

Tickets are \$35 Adults and \$15 Children (10 and under)

9:00 - 10:30 p.m.

WINE TASTING RECEPTION

Hosted by: Stoel Rives, LLP

Enjoy complimentary wine and hors d'oeuvres and the cool sounds of the Jazz Party Project.

The Jazz Party Project is an eclectic group of accomplished musicians whose ranks include doctors, lawyers, college professors, business persons, as well as full time performing artists. Led by Dr. Scott Durbin, the Jazz Party Project is cool and hot all at the same time. Original tunes and revisited standards fill out this group's playlist.



SCHEDULE OF EVENTS & SPEAKERS

Saturday, October 18, 2003

7:30 - 8:00 a.m.

MCLE Sign-In & Continental Breakfast

Hosted by: **Barg, Coffin, Lewis & Trapp, LLP**

8:00 - 9:00 a.m.

Welcome & Introduction:

James Wheaton, Environmental Law Foundation (Oakland)

PLENARY SESSION (1.0 hour MCLE credit)

Tal Finney, Interim Director, State of California, Governor's Office of Planning and Research (Sacramento)

9:00 - 9:15 a.m.

Break & MCLE Sign-in

9:00 a.m.- 1:30 p.m.

YOUTH WATERFALL HIKE AND PICNIC (Ages 6 and up)

Cost: \$15pp - Includes lunch and T-shirt • Hiking Distance: 5 miles Round Trip

Enjoy a guided hike to hidden waterfalls. This is a 5 mile round trip hike from the Tenaya Lodge. Participants will enjoy a picnic lunch with views of the waterfalls. The registration fee includes box lunch and a T-shirt. Please indicate the number of children, age and T-shirt size on the registration form.

9:15-10:45 a.m.

First Split Sessions

Session #8 (1.5 hours MCLE credit)

Meeting California's Environmental Challenges: State and Federal Roles

The Deputy Attorney General for California and the EPA Regional Administrator discuss the perspectives of state and federal administrations in addressing the most challenging environmental protection and public health issues we are currently facing in California.

Moderator: **Gerald George**, Campbell, George & Strong, LLP (Oakland)

Speakers: **Richard M. Frank**, Chief Assistant Attorney General, California Department of Justice (Sacramento)
Wayne Nastri, Regional Administrator, Region IX, U.S. EPA (San Francisco)

Session #9 (1.5 hours MCLE credit)

Trial Skills: The Fine Art of Examining an Expert Witness

Trial counsel will demonstrate direct and cross-examination of experts, addressing issues involved in migration of a contaminated groundwater plume.

Moderator: **Stacey Geis**, Senior Prosecutor, Circuit Prosecutor Project, Environmental Prosecutions Unit (Pleasanton)

Speakers: **Carmen Trutanich**, Trutanich & Michel, LLP, (San Pedro)
Robert Glenn Yabuno, Deputy District Attorney, San Bernardino County District Attorney's Office, Environmental Section (San Bernardino)
Dr. Lorne Everett, The Shaw Group, (Santa Barbara)

Session #10 (1.5 hours MCLE credit)

New Regulations for New Source Review: Cleaner Air or Just More Controversy?

EPA's revised New Source Review ("NSR") regulations triggered a firestorm of activity, including dueling legal efforts by northeastern states challenging, and midwestern states defending, the revised rule. In California, the State is pursuing judicial and administrative challenges to EPA's revisions, while the state legislature considers incorporation of the prior federal NSR program into state law. Representatives of EPA, the South Coast Air Quality Management District, and private industry will discuss the NSR revisions, including their legality under the Clean Air Act, their impact on air quality, and the future of the NSR program, both in California and nationally.

Moderator: **Michael S. Haberkorn**, Gatzke Dillon & Ballance LLP (Carlsbad)

Speakers: **Shannon S. Broome**, Counsel to the Air Permitting Forum, Shannon S. Broome, PC (Oakland)
Lynn E. Hutchinson, Senior Environmental Engineer, U.S. EPA (Research Triangle Park, NC)
William Wong, Office of District Counsel, South Coast Air Quality Management District (Diamond Bar)

Session #11 (1.5 hours MCLE credit)

The Ebb and Flow of Wetlands Law: Recent Developments in SWANCC's Interpretation, Nationwide Permits, and California Law

Discussion of case law and agency guidance interpreting SWANCC, including the State's response to the federal stance, and its role in the regulation of wetland protection. The panel will also discuss what's new and significant about the Corp's regulatory guidance letter on mitigation, and the impact of the new Nationwide Permits on the 404 permitting process.

Moderator: **Erica K. Martin**, Office of Regional Counsel, Region IX, U.S. EPA (Pasadena)

Speakers: **Aaron Allen**, Army Corps of Engineers (Ventura)
Joshua Bloom, Bingham McCutchen (San Francisco)
Sabrina Venskus, Sole Practitioner (Los Angeles)

10:45 - 11:00 a.m.

Break & MCLE Sign-in

11:00 - 12:30 p.m.

Second Split Sessions

Session #12 (1.5 hours MCLE credit)

Private Attorneys General and Enforcement Under Federal Environmental Laws

Experienced practitioners will examine hot topics and enforcement trends in environmental litigation by private attorneys general under federal law. The key focus will be recent decisions on issues affecting all citizen suit litigation, such as constitutional standing, the 11th Amendment, settlement of cases, and the application of the Buckhannon decision to claims for attorneys fees. In addition the panel will address recent trends in citizen enforcement under specific statutes such as CWA, CAA, ESA and NEPA.

Moderator: **James Wheaton**, Environmental Law Foundation (Oakland)

Speakers: **Rick Coffin**, Barg, Coffin, Lewis & Trapp, LLP (San Francisco)
Mike Lozeau, Earthjustice (Palo Alto)
Richard Pearl, Law Office of Richard Pearl (Berkeley)

SCHEDULE OF EVENTS & SPEAKERS

Session #13 (1.5 hours MCLE credit)

Lies, Damn Lies, and Electronic Reporting: How do environmental prosecutors respond to intentional fraud, false statements and failures to report in the new era of electronic reporting?

While most environmental agencies encourage electronic reporting of emission and discharge data, and then rely on that data in regulating industries, criminal investigators and prosecutors are discovering many instances where data have been falsified. How do prosecutors respond, and what does this mean for in-house and defense counsel?

Moderator: **Brett J. Morris**, Deputy Attorney General, Environment Section, California Department of Justice (Oakland)

Speakers: **Bruce Klafter**, Counsel, Applied Materials, Inc. (Santa Clara)
Melanie Pierson, Assistant U.S. Attorney, Southern District of California (San Diego)
Michael Fitzgerald, Corbin & Fitzgerald (Los Angeles)

Session #14 (1.5 hours MCLE credit)

Multi-Party Water Resource Disputes:
Klamath River Case Study

The Klamath River Basin is home to some of the most complex water resource issues in the west. The River's waters irrigate hundreds of thousands of acres, are delivered to preeminent national wildlife refuges, and "exported" to the Rogue and Sacramento River Basins. Four tribes seek to maintain in-stream flows for their fisheries, and other demand issues are raised in connection with dam relicensing and the protection of threatened and endangered species. The panelists will provide perspectives of key stakeholders seeking to resolve issues mirrored in water disputes throughout California.

Moderator: **David W. Harder**, Trial Attorney, Indian Resources Section, Environment and Natural Resources Division, U.S. Department of Justice (Denver, CO)

Speakers: **Paul Simmons**, Sommach, Simmons & Dunn (Sacramento)
Scott W. Williams, Alexander, Berkey, Williams & Weathers, LLP (Berkeley)

Session #15 (1.5 hours MCLE credit)

New Plan for South Coast Air Quality: Sound Management for the New Millennium or a Blueprint for Smog?

The South Coast Air Quality Management District (SCAQMD), often at the forefront of air management issues, has developed a new management plan, as it continues to struggle with smog in the LA basin. Regulators and industry are confident it will work; environmentalists think it is full of hot air.

Moderator: **Erica K. Martin**, Office of Regional Counsel, Region IX, U.S. EPA (Pasadena)

Speakers: **Jack Broadbent**, Director, Air Division, Region IX, U.S. EPA (San Francisco)
Gail Feuer, Senior Attorney, Natural Resources Defense Council (Los Angeles)
Robert Wyman, Latham and Watkins (Los Angeles)

1:00 - 5:00 p.m.

OUTDOOR PRESENTATIONS

Sessions 16, 17 and 18 (0.5 hour MCLE credit each)

(See Registration Desk for information and Sign-up; space will be allocated on a "first come first served" basis.)

Presentations at natural settings or research sites in Yosemite National Park. A short hike (up to 3 miles round trip) may be involved. Enrollment is limited. Space will be allocated based on sign-up-sheets posted at the Registration Desk. Conference registrants and their guests may sign-up but, for safety reasons, children should not be signed-up unless they will be attentive to the speaker throughout the presentation.

Session #16 (0.5 hour MCLE credit)

Reframing the Sierra Nevada Framework

Approved at the end of the Clinton administration, the Sierra Nevada Framework establishes a comprehensive plan for national forest lands in the Sierra, including measures to reduce fire hazards near urban areas, old growth forest protection, and watershed restoration. The Bush administration is proposing changes that would increase the level of logging and allow logging of bigger trees. An expert in habitat conservation planning in foothill and forest environments will show how the changes may affect the forest.

Speaker: **Sue Britting**, policy and science analyst, Sierra Nevada Forest Protection Campaign (Coloma)

Session #17 (0.5 hour MCLE credit)

"Out, Damned Dam! Out, I Say!"

The Cascades Diversion Dam Removal Project, on the Merced River in Yosemite National Park, will be underway during this year's Environmental Law Conference at Yosemite. See the work in progress and learn about the project from a Yosemite National Park Ranger who helped prepare the Merced River Wild and Scenic River Plan.

Speaker: **David Siegenthaler**, National Park Ranger (Yosemite)

Session #18 (0.5 hour MCLE credit)

Teddy Roosevelt Meets John Muir

One hundred years ago, President Theodore Roosevelt came to Yosemite and went on a four-day trek with John Muir. Their meeting helped frame the historical context for the key developments in the protection of national parks and monuments, including the enactment of the Antiquities Act of 1906. Learn about the significance of these events, in the footsteps of Roosevelt and Muir.

Speaker: **David Blackburn**, Curator and Chief of Interpretation, John Muir National Historic Site (Martinez)

6:00 - 7:00 p.m.

COCKTAIL RECEPTION (Complimentary Cocktails)

Hosted by: **Treadwell & Rollo, Inc.**

7:00 - 8:30 p.m.

CHILDREN'S PARTY

This event is arranged through the "Kid's Kamp" Program at the Tenaya Lodge. Please contact the Guest Experience Center at the Tenaya Lodge for more information (800) 635-5807

SCHEDULE OF EVENTS & SPEAKERS

7:00 - 9:00 p.m.

SATURDAY NIGHT BANQUET (Ticketed Event)

Tickets \$50 Adults and \$25 Children (3-11)

Wine Hosted by: **MFG, Inc., A Tetra Tech Company**

Keynote Speaker: **Tom Stienstra**, Outdoor Reporter, San Francisco Chronicle (San Francisco)

9:00 - 10:30 p.m.

DESSERT RECEPTION (This event is complimentary)

Featuring: **The Barron Edward's Motown 60's Music Revue Show**

Hosted by: **Somach Simmons & Dunn**

Sit back and relax and let The Barron Edward's Motown 60's Music Revue Show take you on a musical journey through the musical history of the 1960's and the birth of the great Motown Sound and more. The Barron Edward's Motown 60's Music Revue Show presents a clean, fun-filled stage show featuring great harmonic vocals, world class choreography and stunning costumes. The group features artists performing as top acts of Motown and more. Tribute acts currently performing are: The Vandellas, The Temptations, The Miracles, Little Stevie Wonder, Ike & Tina Turner featuring the Ikettes, The Supremes, Gladys Knight & The Pips, Aretha Franklin and The Jackson Five.



Sunday, October 19, 2003

7:30 - 8:00 a.m.

MCLE Sign-In & Continental Breakfast

Hosted by: **Stone & Webster Consultants**
(a subsidiary of Shaw Environmental)

8:00 - 9:00 a.m.

Welcome & Introduction:

Gerald F. George, Campbell, George and Strong, LLP (Oakland)

PLENARY SESSION (1.0 hour MCLE credit)

Professor Thomas O. McGarity, W. James Kronger Chair in Trial and Appellate Advocacy, University of Texas School of Law (Austin, Texas)

9:00 - 9:15 a.m.

Break & MCLE Sign-in

9:15 - 10:45 a.m.

First Split Sessions

Session #19 (1.5 hour MCLE credit)

The CEQA Matrix Reloaded:

Recent Developments in Compliance and Litigation

A legislative update including new statutory provisions governing real parties in CEQA litigation; new case law on water supply and other issues; CEQA issues relating to environmental justice, health risk and air quality; and follow-up review based on prior EIRs.

Moderator: **Michael Zischke**, Morrison Foerster, LLP (San Francisco)

Speakers: **Jan Chatten-Brown**, Chatten-Brown and Associates (Los Angeles)

Christine Sproul, Deputy Attorney General, California Department of Justice (Sacramento)

Session #20 (1.5 hour MCLE credit)

Golden Opportunities in Green Energy

Business opportunities and key legal issues surrounding the rapid growth of emerging "green energy" markets with the development of clean (solar, wind, biomass and fuel cells) power generation, emphasizing California's recently enacted Renewable Portfolio Standard.

Moderator: **John L. Geesman**, Commissioner, California Energy Commission (Sacramento)

Speakers: **Christopher Ellison**, Ellison Schneider & Harris (Sacramento)

Dan W. Reicher, Northern Power (Waitsfield, VT)

Jean Wilson, Director, Renewable Business Development, PPM Energy (Portland, OR)

Session #21 (1.5 hours MCLE credit)

Conservation Easements: Who, What, Where, Why, When and How?

Conservation Easements are a valuable tool for protecting natural resources, cultural resources, and rural use of land while maintaining private ownership. This program will provide an overview of conservation easements, including statutory authority, proposed statutory changes, typical easement provisions, general use and application, a brief discussion of potential tax benefits, and various issues and concerns of landowners, private developers, and land trusts.

Moderator: **James L. Pierce**, Law Offices of James L. Pierce (Mount Shasta)

Speakers: **JoAnne L. Dunec**, Ellman Burke Hoffman & Johnson (San Francisco)

Barry Epstein, Fitzgerald, Abbott and Beardsley, LLP (Oakland)

Nelson Lee, The Trust For Public Land (San Francisco)

9:15 - 12:30 p.m.

Session #22 (3 hours MCLE credit)

Roundtable Topic: ESA at 30: Over the Hill or in its Prime?

(35 person limit for Roundtables. Registration based on "first come/first served" basis. Please review the Roundtable participation requirements set forth under "Registration Information.")

After 30 years, it's time to reflect on the Endangered Species Act.

Moderators: **Brent Plater**, Center for Biological Diversity (Berkeley)

Robert Thornton, Nossaman, Guthner, Knox & Elliott, LLP (Irvine)

SCHEDULE OF EVENTS & SPEAKERS

10:45 - 11:00 a.m.

Break & MCLE Sign-in

11:00 - 12:30 p.m.

Second Split Sessions

Session #23 (1.5 hour MCLE credit)

May it Please The Court...

Three premier California trial attorneys strut their stuff in front of the Court, giving opening and closing arguments in a mock environmental dispute based on a familiar (if not infamous) toxic tort suit.

Moderator: Honorable Gerald Johnston, Judge, Superior Court, Orange County (Santa Ana)

Speakers: James A. Bruen, Farella Braun & Martel, LLP (San Francisco)
Thomas V. Girardi, Girardi & Keese (Los Angeles)
Pierce O'Donnell, O'Donnell & Shaeffer (Los Angeles)

Session #24 (1.5 hour Ethics credit)

Between Scylla and Charybdis:

The Role of Ethics in Environmental Enforcement

Drawing from earlier conference panel discussions on securities disclosures, private and criminal enforcement, fraudulent reporting, and Section 17200 claims, this panel will discuss the ethical dilemmas attorneys practicing in each area can and do face, particularly in light of recent scandals and court decisions, and suggest ways in which attorneys can continue to vigorously represent their clients without finding themselves at the receiving end of an enforcement or ethics probe.

Moderator: Jane B. Kroesche, Skadden, Arps, Slate, Meagher & Flom (San Francisco)

Speakers: Katherine A. Flaherty, Deputy District Attorney, San Diego County (Vista)
Ellen R. Peck, Law Offices of Ellen R. Peck (Escondido)
Edward G. Weil, Supervising Deputy Attorney General, California Department of Justice (Oakland)

Session #25 (1.5 hour MCLE credit)

Perchlorate: The Next Methyl-Ethyl Death or Much Ado About Nothing?

Perchlorate is proving ubiquitous in the California environment, threatening to become the next MTBE. A panel of experts discuss what perchlorate is, where it's being found, the emerging science on its toxicity, and the implications for environmental practitioners, including the complications it may present from the site assessment perspective, and the state of cleanup technologies.

Moderator: Robert P. Doty, Cox, Castle & Nicholson, LLP (San Francisco)

Speakers: James Clark, Ph.D., Komex-H2O Science, Inc. (Los Angeles)
Anthony D. Daus, President/Principal Hydro-geologist, Geomatrix Consultants, Inc. (Costa Mesa)
Patrick Hubbard, Associate Geologist, Treadwell & Rollo, Inc. (Orinda)
Adrianna Quintero, Senior Project Attorney, Natural Resources Defense Council (San Francisco)

Conference adjourns



REGISTRATION INFORMATION

The Environmental Law Conference at Yosemite is a very popular event and has sold out well in advance in past years. Tuition fees are \$495 for Section Members, \$395 for Section members employed by Governmental or Non-Profit agencies, and \$595 for Non-Section Members. Your registration fee includes conference registration, program materials, Thursday evening reception and continental breakfasts on Friday, Saturday and Sunday. Registration is limited to 425 persons and will be on a "first come first served" basis. Return the Program Registration Form and Course Selector as soon as possible to:

PROGRAM REGISTRATIONS, THE STATE BAR OF CALIFORNIA
180 HOWARD STREET, SAN FRANCISCO, CA 94105-1639
FAX: (415) 538-2368

CANCELLATIONS

A refund (less a non-refundable fee of \$50) will be made for all registration and/or ticket cancellations received in writing by October 10, 2003. No refunds will be made for cancellations after that date unless your space can be filled from the waiting list.

SPECIAL ASSISTANCE

If you require special assistance, please call (415) 538-2585.

PROGRAM CONTENT INFORMATION

For program content information, please call the Environmental Law Section at (415) 538-2582.

REGISTRATION INFORMATION

For registration information, please call Program Registrations at (415) 538-2508.

HOTEL RESERVATIONS

Each registrant is responsible for his or her own hotel reservations. A limited number of rooms have been reserved at the Tenaya Lodge at Yosemite at the rate of \$173 single/double occupancy per night plus tax. For reservations, please complete the reservation form on the following page.

AIRLINE RESERVATIONS

The State Bar of California has a discount program with United Airlines. To make reservations, or for additional information, please call the United Group Meeting Desk at (800) 521-4041 and refer to file number 550QX.

SCHOLARSHIP INFORMATION

A limited number of full and tuition fee scholarships are available. Please complete the enclosed scholarship application form and return it with your resume and registration form no later than September 19, 2003. For additional information please see the Scholarship Information page in this brochure.

ROUNDTABLE DISCUSSION TOPICS

We are pleased to announce the return of the Roundtable sessions, which participants may select in lieu of attending panel presentations. Our Roundtable discussion programs are based on active participation by all attendees. Therefore, only individuals should apply who are willing to participate and delve into the selected topic in detail, preferably persons with some back-

ground in the particular area being discussed. The Roundtable programs are offered on a "first-come first-served" basis. If you are interested, you are strongly encouraged to apply early, as we anticipate substantial interest. Roundtable participants should plan on staying for the entire morning Roundtable program in order for it to be a success. Those selected to be in the Roundtable programs will receive notice in their confirmation letters, after the October 10, 2003 Registration deadline.

HIKES LED BY ENVIRONMENTAL LAW SECTION MEMBERS

Friday, October 17, 2003 1:00 - 5:00 p.m. (and possibly longer)

Conference attendees and their guests may choose from a variety of hikes ranging from short, easy ones to strenuous hikes that may continue into the evening; there will be some hikes suitable for children. We also anticipate offering a very special hike/workshop led by a professional nature photographer to celebrate the 101st birthday of Ansel Adams; this hike may have a cost. All hikes have limited spaces and a wait-list. Visit the Conference Registration Desk for hike descriptions, sign-up sheets, and other details about individual hikes. For some of the hikes, bus transportation will be provided between Tenaya Lodge and the trail heads.

NOTE: All participants on hikes will be asked to sign a liability release form.

OUTDOOR PRESENTATIONS

Saturday, October 18, 2003 1:00p.m. - 5:00p.m.

Presentations at natural settings or research sites in Yosemite National Park. A short hike (up to 3 miles round trip) may be involved. Enrollment is limited. Space will be allocated based on sign-up-sheets posted at the Registration Desk. Conference registrants and their guests may sign-up but, for safety reasons, children should not be signed-up unless they will be attentive to the speaker throughout the presentation. Additional information will be available at the Conference Registration Desk.

YOUTH WATERFALL HIKE AND PICNIC

Saturday, October 18, 2003 9:00a.m. - 1:30p.m.

Cost: \$15pp - Includes lunch and T-shirt

Hiking Distance: 5 miles Round Trip

(Ages 6 and up)

Enjoy a guided hike to hidden waterfalls. This is a 5 mile round trip hike from the Tenaya Lodge. Participants will enjoy a picnic lunch with views of the waterfalls. The registration fee includes a box lunch and a T-shirt. Please indicate the number of children, age and T-shirt size on the registration form.

KID'S KAMP

The Tenaya Lodge at Yosemite is pleased to again offer Kid's Kamp. Activities include arts and crafts, games, outdoor play, and special Halloween events under the supervision of qualified day-care professionals. The rate is approx. \$45 per child per session. Reservations should be made as soon as possible. Please call the Guest Experience Center at (800) 635-5807 to make reservations.

BABYSITTING

Babysitting must be reserved 72 hours in advance by calling the concierge at the Tenaya Lodge at (800) 635-5807.

HOTEL RESERVATION FORM

The Environmental Law Section of the State Bar of California Presents 2003 Environmental Law Conference at Yosemite®

PLEASE CONFIRM EARLY AS ROOMS MAY SELL OUT

HOTEL RESERVATION PROCEDURE:

1. To make your hotel reservations, please complete the registration form below and return with one night's deposit (check or credit card) via mail to Tenaya Lodge at Yosemite, 1122 Highway 41, Fish Camp, CA 93623; or fax Attn: Candi (559) 683-0249. **(Telephone reservations will not be accepted.)**
Deposits: Each room reservation must be guaranteed by a credit card or check in the amount of the first night's room and tax.
Make check payable to Tenaya Lodge at Yosemite.
2. If any rooms have not already been sold by **September 15, 2003**, they will be released for general sale.
3. The room rate will be \$173 plus 10% occupancy tax. The check-in time is 3:00 p.m. and check-out time is noon.
4. Cancellation Policy: Reservations must be cancelled at least 10 days prior to arrival date for refund of deposit.
If reservation is cancelled within 10 days of arrival, deposit will be forfeited.
5. Credit cards will be billed 90 days prior to arrival.

GUEST INFORMATION:

Name: _____

Sharing With: _____ Number of persons in room: _____

Date of Arrival: _____ Date of Departure: _____

(To avoid duplicate reservations, if you are sharing a room with someone, only one of you should complete this form.)

Firm/Organization: _____

Address: _____

City, State, Zip: _____

Telephone: _____ Fax: _____

TYPE OF ACCOMMODATIONS: (i.e. King, Double, etc. All are on request): _____

SPECIAL NEEDS: (i.e. wheelchair accessible): _____

DEPOSIT: I authorize the Tenaya Lodge at Yosemite to use my credit card as a guarantee for my hotel reservation.

☐ American Express ☐ Carte Blanche ☐ Diners Club ☐ MasterCard ☐ VISA ☐ Discover

Account Number: _____ Expiration Date: _____

Cardholder's Name: _____

Cardholder's Signature: _____

DO NOT MAIL THIS FORM TO THE STATE BAR. FORWARD DIRECTLY TO THE TENAYA LODGE.

ENVIRONMENTAL LAW CONFERENCE AT YOSEMITE®

ALTERNATE ACCOMMODATIONS NEAR THE CONFERENCE LOCATION

The Environmental Law Conference at Yosemite will be held at the Tenaya Lodge, located in the town of Fish Camp, two miles outside the south entrance to Yosemite National Park. Although it will be more convenient to stay at the host facility, some attendees may choose to stay elsewhere. Following is a list of alternative accommodations located near the entrance. Keep in mind that Bass Lake and Oakhurst are approximately fourteen miles away.

FISH CAMP

Apple Tree Inn (559) 683-5111
Karen's Bed & Breakfast (559) 683-4550
Narrow Gauge Inn (559) 683-7720

BASS LAKE

Pines Resort and Chalets (559) 642-3121

OAKHURST

Oakhurst Lodge (559) 683-4417
Shilo Inn (559) 683-3555
Yosemite Gateway, Best Western (559) 683-2378

YOSEMITE NATIONAL PARK

National Park Camping Reservations (800) 436-7275
The Redwoods Cottages (209) 375-6666
Wawona Lodge (209) 375-6556
Yosemite West Condominiums (800) 640-9099

SCHOLARSHIP INFORMATION

The Environmental Law Section of the State Bar of California is pleased to offer the following scholarships this year:

The Michael H. Remy Scholarship



Michael H. Remy (1944-2003)

In his nearly thirty years of practicing environmental law, Mr. Remy represented a wide variety of public and private clients as well as nonprofit organizations. Mr. Remy assisted large corporations and small entrepreneurs alike in various permitting and environmental matters throughout the state. Many counties, cities, and special districts relied on Mr. Remy's counsel in the processing, environmental review, and litigation of large and small projects. Some of his most notable environmental accomplishments were: heading the successful political and legal efforts to shut down the Rancho Seco Nuclear Power Plant and representing the Sierra Club and William Hewlett against the conversion of Shirley Canyon to a commercial ski run by the Squaw Valley Ski Corporation. In 1990, the Environmental Council of Sacramento named Mr. Remy "Environmentalist of the Year."

Mr. Remy was widely admired and loved by his colleagues, friends and family, who regarded him as a man of extraordinary intelligence, personal integrity, kindness, and generosity. Mr. Remy's warm presence will be sorely missed by members of the Environmental Law Section of the State Bar of California, and at Remy, Thomas, Moose and Manley, LLP, the firm he founded. Despite his

absence, however, his memory will continue to provide guidance and inspiration.

This scholarship, sponsored by Remy, Thomas, Moose & Manley, LLP in memory of former Environmental Law Section member and advisor, Michael H. Remy, includes Tuition, Travel, Room and reasonable Board for the 2003 Environmental Law Conference at Yosemite. There are two scholarships of this type available, which are designed primarily, though not exclusively, for law students.

Tuition Only Scholarships

The Environmental Law Section plans to offer up to twenty-four (24) tuition-only scholarships to attend the 2003 Environmental Law Conference at Yosemite.

Scholarship Criteria

The Scholarship Committee will review all applications submitted prior to the deadline of **September 19, 2003**.

Scholarships will be awarded based on the following criteria:

- Financial Need
- Environmental Law Interest (for Students)
- Environmental Law Practice (for Practitioners and other Environmental Law professionals)
- Environmental Law Section Membership & Support (for Practitioners and other Environmental Law professionals)

To apply for a scholarship, complete the Scholarship Application and the Program Registration forms and return with a resume no later than **September 19, 2003** to

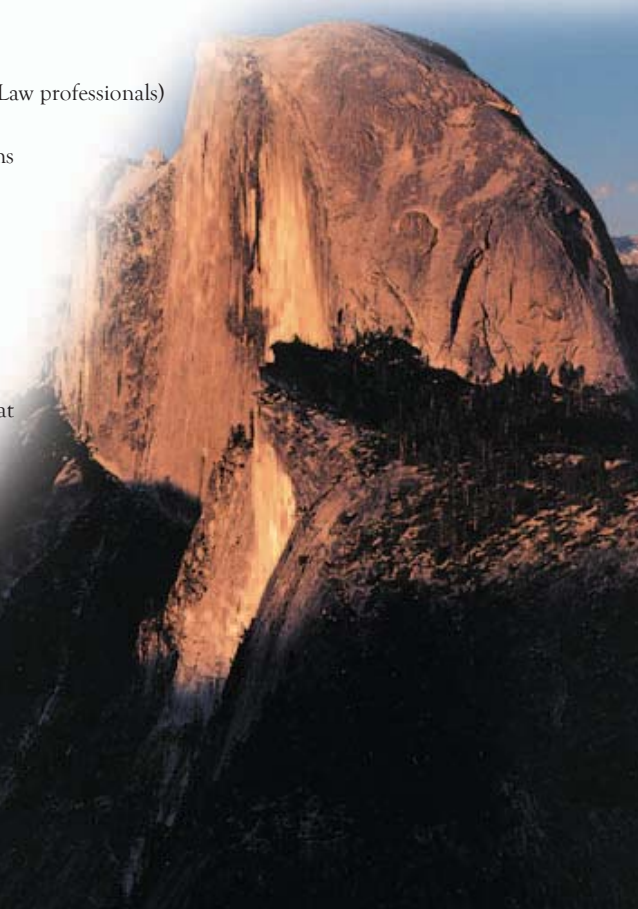
Program Registrations, State Bar of California

180 Howard Street

San Francisco, CA 94105

Fax: (415) 538-2585

For additional information, please contact Jayna Blackwell, CMP, Meeting & Event Administrator at (415) 538-2585, or by e-mail at Jayna.Blackwell@calbar.ca.gov.



SCHOLARSHIP APPLICATION FORM

Return the completed the Scholarship Application and the Program Registration forms and with a resume no later than **September 19, 2003** to
Program Registrations, State Bar of California

**180 Howard Street
San Francisco, CA 94105**

Fax: (415) 538-2585

For additional information, please contact Jayna Blackwell, CMP, Meeting & Event Administrator at
(415) 538-2585, or by e-mail at Jayna.Blackwell@calbar.ca.gov.

Applicant Name: _____

Applicant Address: _____

Applicant Phone Number: _____

Applicant Fax Number: _____

Applicant E-mail Address: _____

Are you a member of the Environmental Law Section? ☐ YES ☐ NO

Explain your interest/practice in environmental law: (Please attach a resume and state years of practice in environmental law.) _____

Explain financial need: (Please state gross monthly income and other factors relevant to financial need.) _____

List CLE courses attended in the past three years: _____

Provide other information you would like the Scholarship Committee to take into account in reviewing your application.

(Attach a separate sheet if more space is needed) _____

Have you previously received a scholarship from the Environmental Law Section of the State Bar of California? ☐ YES ☐ NO

What portion of your expenses will your employer pay? _____

DIRECTIONS TO TENAYA LODGE AT YOSEMITE

Tenaya Lodge at Yosemite is located 12 miles north of Oakhurst along Highway 41, and 2 miles from the south entrance to Yosemite.

FROM THE SAN FRANCISCO INTERNATIONAL AIRPORT

HIGHWAY 101 SOUTH to HIGHWAY 92 EAST, across the San Mateo Bridge
HIGHWAY 92 EAST to HIGHWAY 580 EAST
HIGHWAY 580 EAST, which transitions into ROUTE 205 EAST
HIGHWAY 205 EAST to HIGHWAY 120 EAST
HIGHWAY 120 EAST to HIGHWAY 99 SOUTH
HIGHWAY 99 SOUTH to Merced
In Merced, take HIGHWAY 140 EAST to Mariposa (Yosemite Exit)
Upon entering Mariposa, make a sharp right turn onto HIGHWAY 49 SOUTH
HIGHWAY 49 SOUTH to Oakhurst
At the junction OF HIGHWAY 41 and HIGHWAY 49 turn left onto HIGHWAY 41 NORTH
Continue North to Tenaya Lodge approximately 12 miles.
Total Driving Time: 3 ½ Hours

FROM LOS ANGELES & SOUTHERN CALIFORNIA

INTERSTATE 5 NORTH towards Bakersfield
INTERSTATE 5 and HIGHWAY 99 junction, continue on HIGHWAY 99 NORTH to Fresno
Exit on HIGHWAY 41 NORTH to Oakhurst traveling approximately 48 miles
Continue NORTH to Tenaya Lodge traveling approximately 12 miles
Total Driving Time: 4 ½ hours

FROM SACRAMENTO

HIGHWAY 99 SOUTH to Merced
In Merced, take HIGHWAY 140 EAST to Mariposa (towards Yosemite)
Upon entering the town of Mariposa, make a sharp right turn onto HIGHWAY 49 SOUTH
Continue on HIGHWAY 49 SOUTH to Oakhurst
At the junction of HIGHWAY 49 and HIGHWAY 41, turn left onto HIGHWAY 41 NORTH
Continue North to Tenaya Lodge traveling approximately 12 miles
Total Driving Time: 3 ½ hours

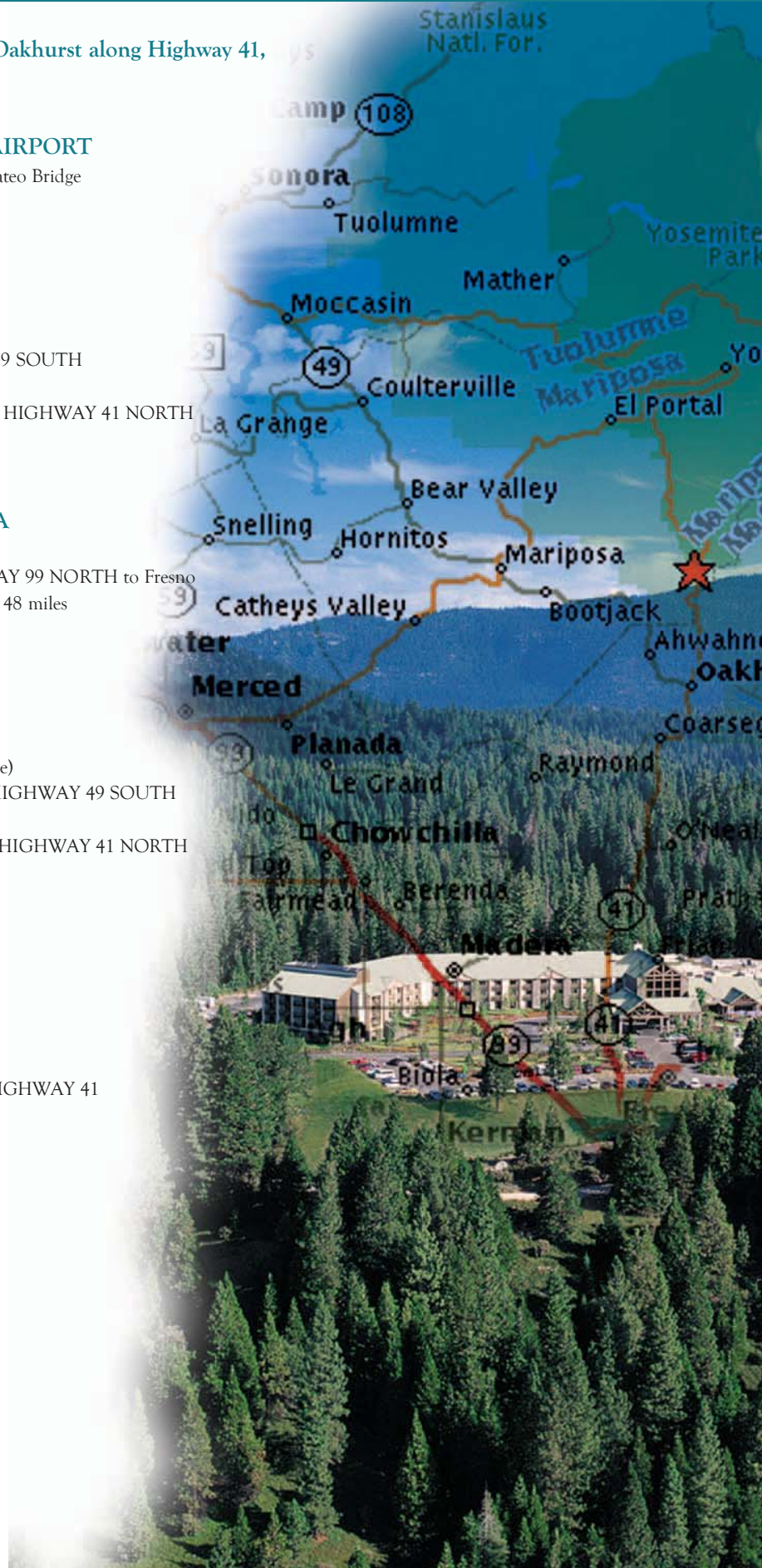
FROM MONTEREY & CARMEL

HIGHWAY 1 NORTH to ROUTE 156 EAST
ROUTE 156 EAST to ROUTE 152 EAST
ROUTE 152 EAST to HIGHWAY 99 SOUTH
HIGHWAY 99 to the AVENUE 12 exit just south of Madera
Turn Left on AVENUE 12 and traveling approximately 15 miles to HIGHWAY 41
Turn Left onto HIGHWAY 41 NORTH
HIGHWAY 41 NORTH to Oakhurst
Continue NORTH to Tenaya Lodge traveling approximately 12 miles
Total Driving Time: 4 hours

FROM THE EAST BAY

Take 580 EAST to 132 EAST to MODESTO
Take 99 SOUTH to MERCED, 140 EAST to MARIPOSA
Take 49 EAST to OAKHURST, 41 NORTH to FISH CAMP

For Additional Assistance Please Contact
The TENAYA LODGE at (800) 635-5807



CONFERENCE REGISTRATION FORM

2003 Environmental Law Conference at Yosemite® Registration Form

REGISTRATION DEADLINE: OCTOBER 10, 2003

2 Ways to Register! (Please keep a copy of your forms)

1. **FAX:** Complete the registration and the Course Selector forms and Fax it to Program Registrations
(415) 538-2368. Fax forms with VISA or MasterCard payments only. Please do not mail original.
2. **Mail:** Complete the registration and Course Selector forms and return them with your payment to:
Program Registrations, The State Bar of California
180 Howard Street
San Francisco, CA 94105

State Bar Number

Name

Firm Name

Address

City, State, Zip

Phone

Fax

E-mail

(Your name may be released to fellow attendees and sponsors.)

BADGE INFORMATION

First Name or Nickname (As you wish it to appear on your badge)

Spouse/Guest Name



For Special Assistance, Please call (510) 538-2585.
For speech and hearing impaired, call (415) 538-2211.

**FOR REGISTRATION INFORMATION
PLEASE CALL (415) 538-2508**

REGISTRATION FEES

- | | |
|---|-------|
| <input type="checkbox"/> Environmental Law Section Members | \$495 |
| <input type="checkbox"/> Environmental Law Section Members who work for Government or Non-Profit agencies | \$395 |
| <input type="checkbox"/> Non Section Members (\$60 of the non-member registration fee will be credited to 2004 Section membership dues) | \$595 |

TICKETED EVENTS

Friday, October 17, 2003

- | | | |
|--|-------------------|---------|
| <input type="checkbox"/> #26 Family Barbeque (Adults) | _____ @ \$35 each | = _____ |
| <input type="checkbox"/> #27 Family Barbeque (Children 3-11) | _____ @ \$15 each | = _____ |

Saturday, October 18, 2003

- | | | |
|---|-------------------|---------|
| <input type="checkbox"/> #28 Youth Waterfall Hike & Picnic | _____ @ \$15 each | = _____ |
| (Ages 6 and up) Ages: _____ | | |
| Youth T-shirt Size: <input type="checkbox"/> #29 Small <input type="checkbox"/> #30 Med <input type="checkbox"/> #31 Large <input type="checkbox"/> #32 X-Large | | |
| <input type="checkbox"/> #33 Banquet (Adults) | _____ @ \$50 each | = _____ |
| <input type="checkbox"/> #34 Banquet (Children 3-11) | _____ @ \$25 each | = _____ |
| Entree Selection(s): | | |
| <input type="checkbox"/> #35 Meat <input type="checkbox"/> #36 Fish <input type="checkbox"/> #37 Vegetarian | | |

COMMEMORATIVE T-SHIRTS:

Henley long sleeve shirts (100% pre-shrunk cotton, 5.8oz)

- | | |
|---|---------|
| <input type="checkbox"/> #38 Small _____ @ \$20 each | = _____ |
| <input type="checkbox"/> #39 Medium _____ @ \$20 each | = _____ |
| <input type="checkbox"/> #40 Large _____ @ \$20 each | = _____ |
| <input type="checkbox"/> #41 X-Large _____ @ \$20 each | = _____ |
| <input type="checkbox"/> #42 XX-Large _____ @ \$20 each | = _____ |

Ticketed Events Total	= _____
Registration Fee Total	= _____

TOTAL AMOUNT ENCLOSED OR TO BE CHARGED = _____

PAYMENT METHOD

Registration fees may be paid by check, VISA or MasterCard. NO other credit cards will be accepted. Make checks payable to the State Bar of California.

Account Number

Expiration Date

Cardholder's Name

Cardholder's Signature

COURSE SELECTOR

(Return this form and the Program Registration form to Program Registrations, keep a copy for your records)

Your Name: _____

Your Bar Number: _____

Listed below are the sessions for the conference. Please indicate which sessions you wish to attend by checking the appropriate boxes.
Sign-up for ticketed events by using the registration form.

FRIDAY, OCTOBER 16, 2003

9:15a.m. - 10:45a.m. First Split Sessions

- ☐ Session #1 Unfair Competition Claims in Environmental Law Suits
- ☐ Session #2 Innovative Strategies in a Maturing Industry:
Contaminated Site Cleanup, Transfer and Redevelopment
- ☐ Session #3 Environmentalists vs. the Bush Administration in National
Forest Policy: Who is Missing the Forest for the Trees?

9:15a.m. - 12:30p.m. Roundtable Topic

- ☐ Session #4 Old McDonald Has a Farm and He Now Needs
Clean Air, Too

11:00a.m. - 12:30p.m. Second Split Sessions

- ☐ Session #5 Key Environmental Law Developments in the U.S.
Supreme Court and Ninth Circuit Court of Appeals
- ☐ Session #6 Not Just Another Walk on the Beach:
Recent Developments in Coastal Jurisprudence
- ☐ Session #7 Improving the Bottom Line: Can Changing
Environmental Disclosure Requirements in Corporate
Securities Filings Benefit Investors and Corporate
Performance Alike?

SATURDAY, OCTOBER 17, 2003

9:15a.m. - 10:45a.m. First Split Sessions

- ☐ Session #8 Meeting California's Environmental Challenges:
State and Federal Roles
- ☐ Session #9 Trial Skills: The Fine Art of Examining an Expert Witness
- ☐ Session #10 New Regulations for New Source Review:
Cleaner Air or Just More Controversy?
- ☐ Session #11 The Ebb and Flow of Wetlands Law: Recent
Developments in SWANCC's Interpretation, Nationwide
Permits, and California Law

11:00a.m. - 12:30p.m. Second Split Sessions

- ☐ Session #12 Private Attorneys General and Enforcement Under
Federal Environmental Laws
- ☐ Session #13 Lies, Damn Lies, and Electronic Reporting:
How do environmental prosecutors respond to intentional
fraud, false statements and failures to report in the new
era of electronic reporting?
- ☐ Session #14 Multi-Party Water Resource Disputes:
Klamath River Case Study
- ☐ Session #15 New Plan for South Coast Air Quality:
Sound Management for the New Millennium
or a Blueprint for Smog?

OUTDOOR PRESENTATIONS

For sessions 16, 17 & 18 - space will be allocated based on sig-up sheets posted at the Registration Desk.

SUNDAY, OCTOBER 19, 2003

9:15a.m. - 10:45a.m. First Split Sessions

- ☐ Session #19 The CEQA Matrix Reloaded: Recent Developments
in Compliance and Litigation
- ☐ Session #20 Golden Opportunities in Green Energy
- ☐ Session #21 Conservation Easements: Who, What, Where, Why,
When and How?

9:15a.m. - 12:30p.m. Roundtable Topic

- ☐ Session #22 ESA at 30: Over the Hill or in its Prime?

11:00a.m. - 12:30p.m. Second Split Sessions

- ☐ Session #23 May it Please the Court...
- ☐ Session #24 Between Scylla and Charybdis:
The Role of Ethics in Environmental Enforcement
- ☐ Session #25 Perchlorate: The Next Methyl-Ethyl Death
or Much Ado About Nothing?



STATE BAR EDUCATION FOUNDATION

Environmental Law Section

180 Howard Street

San Francisco CA 94105-1639

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